

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

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September 7, 2005

Memo To Counsel Re: John P. Bressler, et al. v. Maryland Public Secondary Schools
Athletic Association, et al.
Civil No. JFM-05-783

Dear Counsel:

I have reviewed the supplemental memoranda you have submitted in connection with defendants' motion to dismiss or for summary judgment.

The Standards of Competition the MPSSAA has adopted serve a variety of state interests. The constitutional arguments lodged against them by plaintiffs are entirely without merit. Accordingly, defendants' motion will be treated as one for summary judgment and will be granted as such.

Whether or not the prior regulatory regime was constitutionally defective, it raised concerns about the fairness of the treatment of home-schooled students who are genuinely pursuing their education and who wish to participate in interscholastic athletic competition. Defendants and their counsel are to be commended for recognizing the legitimacy of these concerns and responding to this lawsuit, not reflexively, but by forging a constructive solution that furthers the public interest in safe and ethical athletic competition.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,

/s/

J. Frederick Motz
United States District Judge